

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

<b>ANTONE WILSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO: 3:20-cv-53</b>
	)	
<b>OZARK AUTOMOTIVE</b>	)	
<b>DISTRIBUTORS, INC. d/b/a</b>	)	
<b>O'REILLY AUTO PARTS,</b>	)	
	)	
<b>Defendant.</b>	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**I. Nature of the Case**

1. Plaintiff, Antone Wilson ("Wilson"), brings this Complaint against Ozark Automotive Distributors, Inc. d/b/a O'Reilly Auto Parts, ("Defendant"), for its discriminatory actions toward him based on his, race, African-American, and for retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

**II. Parties**

2. Wilson is a citizen of the United States and has resided within the State of Indiana at all relevant times hereto.

3. Defendant is a Foreign For-Profit Corporation who conducted business within the geographic boundaries of the Southern District of Indiana at all times relevant to this action.

**III. Jurisdiction and Venue**

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. §1343; and 42 U.S.C. § 2000e-5(f)(3).

5. Defendant is an "employer" as that term is defined by 42 U.S.C. §2000e(b).

6. Wilson, at all times relevant, has been an "employee" as that term is defined by 42 U.S.C. §2000e(f) .

7. Wilson satisfied his obligation to exhaust his administrative remedies having timely filed U.S. Equal Employment Opportunity Commission Charge No. 24C-2019-00093 alleging race discrimination and U.S. Equal Employment Opportunity Commission Charge No. 470-2020-00987 alleging race discrimination and retaliation. Wilson received his Notice of Suit Rights and timely files this action.

8. All events pertinent to this lawsuit have occurred in the legal environs of the Southern District of Indiana, thus venue in this court is proper.

#### **IV. Factual Allegations**

9. Wilson, who is African-American, began his employment with the Defendant on or about February 3, 2015. Wilson held the position of CDL Route Driver upon his constructive discharge on or about April 26, 2019.

10. At all times relevant, Wilson met Defendant's legitimate performance expectations.

11. During his tenure, Wilson was the only African-American delivery driver in the Southern Indiana District.

12. Throughout his employment tenure, Wilson has been subjected to harassment, a hostile work environment and discrimination based on his race.

13. For example, Wilson's delivery vehicles were vandalized on several different occasions.

14. On or about April 8, 2019, Wilson found a noose hanging from the loading/unloading door at Defendant's Store #3917. This is the door that Wilson uses to enter

and leave work. That same evening, Wilson engaged in a protected activity and reported what he found - sending pictures of the noose - to Defendant's Dispatcher.

15. On or about April 10, 2019, Wilson called his supervisor, Kevin Pike ("Pike"), who is Caucasian, and asked if he was aware of the situation. Pike acknowledge that he was aware of the report and that he reviewed the pictures. However, he did not believe it was a noose and dismissed Wilson's complaints.

16. On or about April 10, 2019, Wilson was at Defendant' Store #1282 and found an Ace of Spades playing card lying next to his truck, which he also reported.

17. The Defendant failed to take remedial actions or address Wilson's concerns. As such, on April 15, 2019, Wilson engaged in a protected activity and filed a Charge of Discrimination with the City of Evansville Human Relations Commission – FEPA No.: 19-060 and dual filed it with the Equal Employment Opportunity Commission – EEOC No.: 24C-2018-00093.

18. The harassment continued and the Defendant refused to discuss the reports or otherwise provide any information to Wilson despite his repeated inquires. As a result, Wilson was left with no choice and was constructively discharged on or about April 26, 2019.

19. Wilson was harassed and subjected to a hostile work environment based on his race and/or in retaliation for engaging in a protected activity and constructively discharged based on his race and/or in retaliation for engaging in a protected activity.

## **V. Causes of Action**

### **Count I. - Title VII – Race Discrimination Claims**

20. Wilson hereby incorporates by reference paragraphs one (1) through nineteen (19) of his Complaint.

21. Wilson was discriminated against, subjected to a hostile work environment and constructively discharged based on his race, African-American.

22. Defendant's actions are in violation of Title VII of the Civil Rights Act of 1964.

23. Defendant's actions were willful, intentional, and done with reckless disregard for Wilson's civil rights.

24. Wilson has suffered injury as a result of Defendant's unlawful actions.

**Count II. - Title VII – Retaliation Claims**

25. Wilson hereby incorporates by reference paragraphs one (1) through twenty-four (24) of his Complaint.

26. Wilson was discriminated against, subjected to a hostile work environment and constructively discharged based on his engaging in an activity protected by Title VII of the Civil Rights Act of 1964.

27. Defendant's actions are in violation of Title VII of the Civil Rights Act of 1964.

28. Defendant's actions were willful, intentional, and done with reckless disregard for Wilson's civil rights.

29. Wilson has suffered injury as a result of Defendant's unlawful actions.

**REQUESTED RELIEF**

WHEREFORE, Plaintiff, Antone Wilson, by counsel, respectfully requests that this Court find for Plaintiff and:

1. Permanently enjoin Defendant from engaging in any employment policy or practice that discriminates against any employee on the basis of their race;

2. Order that the Plaintiff be awarded back pay, lost wages, including fringe benefits, with related monetary benefits and interest thereon, absent Defendant's unlawful acts;

3. Reinstatement Plaintiff to his former position or award front pay in lieu thereof;
4. Award the Plaintiff compensatory damages, consequential damages, emotional distress damages, lost wages and benefits, and medical expenses in an amount sufficient to compensate Plaintiff for the damages caused by the Defendant's wrongful actions;
5. Award the Plaintiff punitive damages;
6. Award the Plaintiff his attorney fees, litigation expenses, and costs incurred as a result of this action;
7. Award the Plaintiff pre- and post-judgment interest on all sums recoverable; and
8. Grant all relief available under the statute(s) for which this action is brought and any other relief as may be just and proper.

Respectfully Submitted,

s/Kyle F. Biesecker

Kyle F. Biesecker

Lauren Berger

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**DEMAND FOR JURY TRIAL**

The Plaintiff, Antone Wilson, by counsel, respectfully requests a jury trial as to all issues deemed so triable.

Respectfully Submitted,

s/Kyle F. Biesecker

Kyle F. Biesecker

Lauren Berger

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